

REMARKS

In response to the Office Action mailed on September 29, 2009, Assignee respectfully requests reconsideration based on the following amendments and remarks. Assignee respectfully submits that the claims as presented are in condition for allowance.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 2, 4-11, 15-19, 21-26 and 28-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schuster et al. (US 6,650,901) in view of Vasa, Suzy et al. (US 6,324,396) further in view of Alperovich, Vladimir et al. (US 6,324,396).

Claim 27 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Schuster, Vasa, Alperovich further in view of Rayburn (US 6937869).

Assignee respectfully traverses the rejection as set forth below.

Patentability Arguments

Independent claim 1 recites “wherein if the call is from a mobile device, the geographic location information is recorded after the call originates from the calling party and before the call is received at a network element associated with the called party”. Claim 1 is amended to include subject matter of claim 4. Additional support for the claim amendment is found in boxes 362 and 364 of FIG. 3b.

In rejecting claim 4, the Office Action indicates that “Alperovich teaches in an analogous art, that the method of claim 1, wherein if the call is from a mobile device, the method further comprises the step of recording the geographic location information after the call originates from the calling party and before the call is received at the network element associated with the calling part. (Col. 2; 50-67)”

Alperovich col. 2, lines 50-67 states “With reference now to FIG. 1 of the drawings, there is illustrated a Global System for Mobile Communication (GSM) Public Land Mobile Network (PLMN), such as cellular network 110, which in turn is composed of a plurality of areas 112, each with a Mobile Services Center (MSC) 114 and an integrated Visitor Location Register (VLR) 116 therein. The MSC/VLR areas 112, in

turn, include a plurality of Location Areas (LA) 118, which are defined as that part of a given MSC/VLR area 112 in which a mobile station (MS) (terminal) 120 may move freely without having to send update location information to the MSC/VLR area 112 that controls the LA 118. Each Location Area 112 is divided into a number of cells 122. Mobile Station (MS) 120 is the physical equipment, e.g., a car phone or other portable phone, used by mobile subscribers to communicate with the cellular network 110, each other, and users outside the subscribed network, both wireline and wireless. [emphasis added]”

Assignee respectfully submits that the above passage of Alperovich (combined with the cited art) is unrelated to and fails to disclose “is recorded **after** the call originates from the calling party and **before** the call is received at a network element” as recited in claim 1. Just because the “Location Area 112 is divided into a number of cells 122” or a “mobile station (MS) (terminal) 120 may move freely without having to send update location information to the MSC/VLR area 112 that controls the LA 118” does not imply or explicitly express that Alperovich col. 2, lines 50-67 (combined with the cited art) discloses recording anything “**after** the call originates” and “**before** the call is received at a network element” as recited in claim 1. For example, the Office Action fails to identify any network element in Alperovich col. 2, lines 50-67 to correspond to the network element in “before the call is received at a network element”, because there is no network element in Alperovich col. 2, lines 50-67 (combined with the cited art) that reads on “is recorded **after** the call originates from the calling party” recited in claim 1.

MPEP 706.02(j) states “It is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to reply”. The Office Action does not indicate how Alperovich col. 2, lines 50-67 reads on the above passage of claim 1, and Assignee respectfully submits that the same would not be obvious to one skilled in the art.

Rayburn, applied for its teaching regarding a Wireless Application Protocol (WAP) location system, does not compensate for the deficiencies of Schuster, Vasa, Alperovich.

The combined disclosures of Schuster, Vasa, Alperovich, and Rayburn fail to render obvious the above-identified features of claim 1. For at least the foregoing reasons, claim 1 is patentable over the combined teachings of Schuster and Vasa. Claims 1, 2, 4-11, 15, and 16 variously depend from claim 1 and are patentable for reasons advanced for claim 1.

Further dependent claim 4 has been amended to recite “before the call is received at the network element associated with the called party means before the call is received at a central office associated with the called party”. Support for this amendment is found at least on page 20 lines 105 of the specification and in boxes 362 and 364 of FIG. 3b. Claim 4 depends from claim 1, and Alperovich col. 2, lines 50-67 (combined with the cited art) does not disclose or render obvious “wherein if the call is from a mobile device, the geographic location information is recorded after the call originates from the calling party” “before the call is received at a central office associated with the called party”. Even if the Office Action arbitrarily identified a *central office* in a reference, the relationship of any arbitrarily identified central office would not read on the relationship of claim elements in dependent claim 4 with respect to the claimed “central office”. For at least the foregoing reasons, claim 4 is patentable over the cited art.

Independent claim 17 recites “wherein the geographic location information includes a building name”. Claim 17 is amended to include the subject matter of claim 10. Additional support is found on page 8, lines 18 and 19 of the specification. In rejecting claim 10, the Office Action indicates that the above features are disclosed in Schuster col. 9, lines 7-26 and col. 14, lines 25-34.

Schuster (col. 9, lines 7-26) states “Referring to the display 116 on the voice communication device 108a, a user of the first communication device 108a has dialed 9-1-1 using an example of a data network telephone system address (“SIP:911@isp.com” this format is discussed below). The 911 emergency center receives the telephone call at the second voice communication device 108b. In accordance with embodiments of the present invention, the location information of the first voice communication device 108a is received at the second communication device 108b without any action required on the

part of the caller. The location information may be received as a voice signal in-band with the voice signals communicated on a voice over data communication channel used for conversation. The location information may also be communicated as data signals on a separate data communication channel permitting the information to be displayed on the display of the second voice communication device 108b, on a monitor (not shown), or as a text message that may be forwarded to other data communications devices (e.g. as email, text message page, etc.).”

Also, Schuster (col. 14, lines 25-34) states “The user preferably uses the postal address of the location of the telephone as the data for the location information. However, the information used may be enhanced by using floor information, room information, etc. In addition, other forms of identifying a location may also be used, such as, longitude/latitude coordinates, directions, building function, names of residents or company, etc. The user may also enter the postal address and the service provider may send back the location for storage in any suitable alternative form. [emphasis added]”.

Assignee respectfully submits that one skilled in the art would recognize that floor information does not disclose or render obvious “building name”, room information does not disclose or render obvious “building name”, longitude/latitude coordinates do not disclose or render obvious “building name”, directions do not disclose or render obvious “building name”, building function does not disclose or render obvious “building name”, and names of residents or company do not disclose or render obvious “building name”. The Office Action has not indicated what implicitly, explicitly, or inherently discloses “building name” as recited in claim 17.

Rayburn, applied for its teaching regarding a Wireless Application Protocol (WAP) location system, does not compensate for the deficiencies of Schuster, Vasa Alperovich.

Further, MPEP 706.02(j) states “35 U.S.C. 103 authorizes a rejection where, to meet the claim, it is necessary to modify a single reference or to combine it with one or

more other references. After indicating that the rejection is under 35 U.S.C. 103, the examiner should set forth in the Office action:

(A) the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s) where appropriate,

(B) the difference or differences in the claim over the applied reference(s),

(C) the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter, and

(D) an explanation >as to< why >the claimed invention would have been obvious to< one of ordinary skill in the art at the time the invention was made. [emphasis added]"

Assignee respectfully submits that the Office Action has not met the burden of a 35 U.S.C. 103 rejection. Therefore, the combined disclosures of Schuster, Vasa, Alperovich, and Rayburn fail to render obvious the above-identified features of claim 17. For at least the foregoing reasons, claim 17 is patentable over the combined references. Claims 18, 19, 21-32 variously depend from claim 17 and are patentable for the reasons advanced for claim 17.

Conclusion

It is believed that the foregoing amendments and remarks are fully responsive to the Office Action and that the claims herein should be allowable to the Assignee. In the event the Examiner has any queries regarding the instantly submitted response, the undersigned respectfully request the courtesy of a telephone conference to discuss any matters in need of attention.

If there are any additional charges with respect to this Response or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully Submitted,

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